

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

## **MEMORANDUM AND ORDER**

Before the Court is plaintiff's motion for reconsideration of the denial of his motion for appointment of counsel. The motion will be denied.

On June 24, 2008, the Court denied plaintiff's second motion for counsel, noting that the facts and legal issues involved were not so complicated that the appointment of counsel was warranted at that time. Although plaintiff asserted that he needed counsel because he was disadvantaged by his pro se status and unfamiliar with federal procedures, the Court noted that these arguments did not suffice to form a reason for appointment of counsel given its findings that the case was relatively uncomplicated.

Plaintiff now seeks reconsideration of the Court’s ruling, essentially making his third request for counsel, arguing that “during the discovery process and pre-trial stages it will become critical to plaintiff’s case in chief that he be allowed to depose the defendants as well as depose witnesses with knowledge of the case that are employed

by Lincoln County under the authority of defendant Doyle.” Plaintiff goes on to assert that “all cases are won or lost during the discovery process...and the Court should not restrict the plaintiff from investigating or from performing the necessary pre-trial functions relevant to proving his case.”

Pursuant to the Court’s March 13, 2008 Case Management Order, all discovery in this case was to be completed by June 16, 2008, which was more than a month ago. Accordingly, plaintiff’s assertions that he will be prejudiced during discovery without the appointment of counsel cannot serve as justification for appointment of counsel at this time, as discovery is now closed. The Court, therefore, reaffirms its earlier ruling that the facts and legal issues involved in this case are not so complicated that the appointment of counsel is warranted at this time.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for reconsideration of the denial of appointment of counsel [Doc. #28] is **DENIED**.

Dated this 29th day of July, 2008.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE